

Application No. 10/784,591
Amendment dated June 20, 2006
Reply to Office Action of June 8, 2006

Docket No.: YOR920010225-US2

REMARKS

Claims 20, 21, 24, 35, 37, 50 and 51 are now in the application. Claims 1-19, 22, 23, 25-34, 36, 38-49 and 52 have been canceled without prejudice or disclaimer. Claims 20, 21, 24, 35, 50 and 51 have been amended to ultimately depend from claim 37.

The rejections of claims 19-36 and 50-52 under 35 USC 101 over claims 19-36 and 40-42 of US Patent 6,737,364, and of claims 42-46 under 35 USC 101 over claims 1-5 of US Patent 7,041,607 have been rendered moot by the cancellation of claims 1-19, 22, 23, 25-34, 36, 38-49 and 52 and the amendment of claims 20, 21, 24, 35, 50 and 51 to ultimately depend from claim 37.

The rejection of claim 37 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 22 of US Patent 7,041,607 has been overcome by the filing of the attached Terminal Disclaimer. The filing of the Terminal Disclaimer is not to be construed as an admission, estoppel or acquiescence. See *Quad Environmental Technology v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991) and *Ortho Pharmaceuticals Corp. v. Smith*, 22 USPQ2d 1119 (Fed. Cir. 1992).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

In the event, the examiner believes that another interview would advance the prosecution of this application in any way the undersigned attorney is available at the phone number noted below.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 50-0510, under Order No. 20140-00343-US2 from which the undersigned is authorized to draw.

Dated: 6-20-06

Respectfully submitted,

By 

Burton A. Amernick

Registration No.: 24,852

CONNOLLY BOVE LODGE & HUTZ LLP

1990 M Street, N.W., Suite 800

Washington, DC 20036

(202) 331-7111

(Fax) 202-293-6229

Attorney for Applicant